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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
|---------------------------------|-------------|---|---------------------|

09/820,533 03/30/01 OCHI

T 381AS/44307C

EXAMINER

PM82/0705

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TRAN, D  
ART UNIT PAPER

3661 5

DATE MAILED: 07/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

*Tan Nguyen*  
TAN NGUYEN  
PRIMARY EXAMINER

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/820,533             | OCHI ET AL.         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | DALENA TRAN            | 3661                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 March 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 16-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. 09/640,008.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: \_\_\_\_\_

Art Unit: 3661

## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This application has been examined. Claims 16-29 are pending.
2. The prior art submitted on 3-30-01 has been considered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16 and 18, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Ohta et al. (5,895,435) in view of Morisawa (5,983,154) and Ibamoto et al. (5,508,923).

As per claim 16, Ohta et al. disclose a method of controlling a vehicle, a driving force of a first running mode according to a first target value determined from an accelerator pedal position (see columns 19-20, lines 38-19). Ohta et al. do not mention a driving force of a second running mode according to a second target value determined from an environmental operating conditions ahead of vehicle. However, Morisawa mention that (see columns 4-5, lines 65-44), and if a difference between the driving force of a first running mode and the driving force of a second running mode exceeds a predetermined value, the driving force of the vehicle is controlled to be gradually approached to driving force of a second running mode (see columns 10-11, lines 53-54).

Art Unit: 3661

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Ohta et al. by mention a driving force of a second running mode according to a second target value determined from an environmental operating conditions ahead of vehicle capable of changing the running modes to be used for controlling the output torque of an automatic transmission, in accordance with the road situations of a route to be followed by the vehicle.

As per claim 18, Ohta et al. disclose an acceleration / deceleration rate of a first running mode according to a first target value determined from an accelerator pedal position (see columns 27-28, lines 22-54), and the acceleration / deceleration rate of the vehicle is controlled to be gradually approached to acceleration / deceleration rate of a second running mode (see column 36-38, lines 30-31). Ibamoto et al. mention acceleration / deceleration rate of a second running mode according to a second target value determined from an environmental operating conditions ahead of vehicle (see the abstract; and column 2, lines 1-50).

5. Claims 20 and 22, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Kuroiwa et al. (5,826,208) in view of Ibamoto et al. (5,508,923).

As per claim 20, Kuroiwa et al. disclose a driving shaft torque of the vehicle of a first running mode according to a first target value determined from an accelerator pedal position (see column 2, lines 31-53; and columns 6-8, lines 53-3). Ibamoto et al. mention driving shaft torque of a second running mode according to a second target value determined from an environmental operating conditions ahead of vehicle (see columns 2-3, lines 51-25; column 4, lines 1-56), and if

Art Unit: 3661

a difference between the driving shaft torque of a first running mode and the driving shaft torque of a second running mode exceeds a predetermined value, the driving shaft torque of the vehicle is controlled to be gradually approached to driving shaft torque of a second running mode (see columns 4-5, lines 57-55; and columns 7-8, lines 25-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kuroiwa et al. by mention a driving shaft torque of a second running mode according to a second target value determined from an environmental operating conditions ahead of vehicle for providing the acceleration which satisfies the driver's require.

As per claim 22, Kuroiwa et al. disclose first target value of a driving shaft torque of the vehicle of a first running mode and second target value of a driving shaft torque of the vehicle of a second running mode (see columns 2-4, lines 54-21). Ibamoto et al. mention if a difference between the first and second target value exceeds a predetermined value, the target value is controlled to be gradually approached to second target value (see columns 8-10, lines 26-45).

6. Claims 17,19,21, and 23, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Ohta et al. (5,895,435), Morisawa (5,983,154), Ibamoto et al. (5,508,923), and Kuroiwa et al. (5,826,208) as applied to claims 16,18,20, and 22 above, and further in view of Watannbe et al. (4,720,793), and Onari et al. (4,899,280).

As per claim 17, Watannbe et al. disclose control driving force of the second running mode by controlling an air / fuel ratio of an engine of vehicle (see column 4, lines 16-28; and columns 5-6, lines 35-32).

Art Unit: 3661

As per claims 21 and 23, Watannbe et al. disclose control the driving shaft torque, and the target value of the second running mode by controlling an air / fuel ratio of an engine of vehicle (see columns 9-10, lines 19-60; and columns 12-14, lines 65-35).

As per claim 19, Onari et al. disclose control the acceleration / deceleration rate of the second running mode by controlling an air / fuel ratio of an engine of vehicle (see columns 1-2, lines 36-36; columns 3-4, lines 30-43; and columns 6-7, lines 29-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Ohta et al., Morisawa, Ibamoto et al., and Kuroiwa et al. by mention control driving force, the driving shaft torque, the target value, and the acceleration / deceleration rate of the second running mode by controlling an air / fuel ratio of an engine of vehicle for adaptive correction in accordance with environment variations of the vehicle, or more in particular to an adaptive control system suitably capable of controlling the engine under different control conditions and under the transitions among the control conditions.

7. Claims 24-29 are apparatus claims corresponding to method claims 18-23 above.

Therefore, they are rejected for the same rationales set forth as above.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

. Kajiwara (5,234,071)

. Nakamura et al. (5,408,411)

Art Unit: 3661

. Minowa et al. (5,752,214)

. Kouno (5,947,224)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Dalena Tran, whose telephone number is (703) 308-8223. The examiner can normally be reached on Monday-Friday from 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

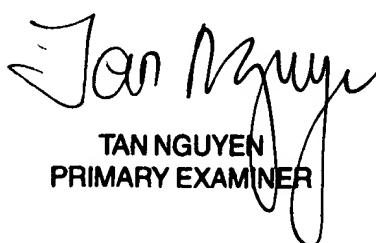
**or faxed to:**

(703) 305-7687, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

/dt  
June 27, 2001

  
TAN NGUYEN  
PRIMARY EXAMINER